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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,167	12/28/2000	Nobuyoshi Nambu	0052/036001	2870

22893 7590 10/05/2004

SMITH PATENT OFFICE
1901 PENNSYLVANIA AVENUE N W
SUITE 200
WASHINGTON, DC 20006

EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>B</i>
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EXAMINER

ART UNIT	PAPER
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20041001

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The communication filed on July 21, 2004 is not deemed to be fully responsive to the Office Action dated March 19, 2004 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

The Office Action dated March 19, 2004 contains a rejection of claim 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention because the term "a residue lacking an amino group selected from ..." (claim 29, lines 2-3) was held to be somewhat indefinite as to the limitation intended. In that same Office Action, Applicant was advised that an amendment reciting that "G is a sugar alcohol residue in which an amino group is eliminated from the recited group members," in accordance with the disclosure in lines 4-9 on page 16 of the specification, would overcome this rejection. Applicant's communication filed on July 21, 2004 amends claim 29 to recite that the residue is of a chain sugar alcohol, but still retains the language "lacking an amino group." Since a residue in which an amino group has been eliminated from D-glucamine, for example, is not the same as a residue lacking D-glucamine, the above noted communication fails to address the 35 U.S.C. § 112, second paragraph, rejection of claim 29 contained in the previous Office action. In order to fully respond to

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this rejection, Applicant must either: (a) amend the claim as suggested by the examiner, or (b) explain why the recitation "lacking an amino group ..." is not indefinite. The communication filed July 21, 2004 does neither; and therefore, this communication fails to comply with the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

Since the above noted communication appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
October 1, 2004